

REMARKS

The specification was objected to because reference number 118 is not shown in Fig. 1B. The drawings were objected to for related reasons. As the Examiner will note, the specification has been amended so as to remove instances of reference numeral 118 from the description of Figs. 1A and 1B. It is, therefore, not believed necessary to correct the drawings. Reconsideration and withdrawal of the objections to the specification and drawings are respectfully requested.

Claims 1-31 were rejected as being anticipated by 35 U.S.C. §102(e) over Burbank et al. Reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 1 recites:

**a shaft defining, a proximal end and a distal end;
a specimen collection assembly disposed along the shaft and away from the distal end thereof, the specimen collection assembly including a flexible membrane configured to collect the specimen non-circumferentially along the shaft;
a specimen management assembly, the specimen management assembly being disposed partially within the shaft and away from the distal end thereof, the specimen management assembly being coupled to and configured to act upon the specimen collection assembly to draw the specimen collected in the flexible membrane toward the proximal end of the shaft.**

Therefore, independent claim 1 recites that:

- the flexible membrane is configured to collect the specimen non-circumferentially along the shaft;
- the specimen management assembly is disposed partially within the shaft;
- the specimen management assembly is disposed away from the distal end of the shaft, and
- the specimen management assembly draws the collected specimen toward the proximal end of the shaft.

Independent method claim 16 includes similar recitations.

In contrast, Burbank et al.'s device collects its specimen circumferentially about the shaft (see Figs. 6-11D). In Burbank et al., the structures identified by the Office as corresponding to the claimed specimen management assembly (32, 56) are not disposed partially within the shaft, as claimed herein. Instead, Burbank et al.'s sleeve 32 is not disposed partially within the shaft. Moreover, Burbank et al.'s sheaf deployment rod 56 is not disposed away from the distal end of the shaft, as claimed. Lastly, Burbank et al.'s device does not draw the specimen toward the proximal end of the shaft. Col. 13, lines 13-40 referred to by the Examiner only states that the sheath 14 is tightened about the tissue specimen 92. Burbank et al.'s device is not configured to draw the collected specimen toward the proximal end of the shaft, as recited in each of the pending independent claims.

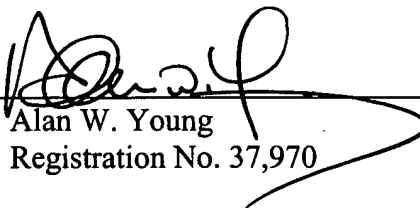
In view of the amendments to the claims and the above, it is respectfully submitted that the Burbank et al. reference does not anticipate the claims of the present application. Reconsideration and withdrawal of the anticipatory rejections applied thereto are, therefore, respectfully requested.

Applicants believe that this application is now in condition for allowance. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,

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By: _____


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